

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEREK KENNEY,

Plaintiff,

-against-

Civil Case No.: 6:11-cv-00790
DNH-ATB

ANTHONY CLAY, JAMES LORENZONI, EDGAR
BEAUDIN, JOHN DOES NUMBER 1 THROUGH 5,
and THE CITY OF GLOVERSVILLE,

Defendants.

STIPULATION OF PARTIAL DISCONTINUANCE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for Plaintiff and Defendants in the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, hereby discontinue, with prejudice, without costs, including any attorneys' fees, to either party as against the other:

- (a) in its entirety as against all Defendants, the first cause of action (federal claims of false arrest) advanced by Plaintiff's July 11, 2011 Complaint;
- (b) in its entirety as against all Defendants, the second cause of action (federal claims of malicious prosecution) advanced by Plaintiff's July 11, 2011 Complaint;
- (c) the fourth cause of action (municipal policies and failure to train/supervise) as against defendant Edgar Beaudin, only, advanced by Plaintiff's July 11, 2011 Complaint;
- (d) in its entirety as against all Defendants, the fifth cause of action (pendant state law claims of false arrest and malicious prosecution) claims advanced by Plaintiff's July

11, 2011 Complaint; and

- (e) any and all claims made against defendant James Lorenzoni which are advanced by Plaintiff's July 11, 2011 Complaint.

Nothing in this stipulation shall be construed as discontinuing or limiting Plaintiff's ability to litigate his third cause of action (violation of right against self-incrimination) and fourth cause of action (municipal policies and failure to train/supervise) as against the City of Gloversville, only, pursuant to 42 U.S.C. § 1983, nor his remaining pendant state law claims contained in the sixth cause of action (intentional/negligent infliction of emotional distress) and seventh cause of action (negligent supervision/retention of employee).

Defendants will not seek attorneys' fees and costs relative to the causes of action discontinued pursuant to this Stipulation.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: October 23, 2014

Dated: 10/23, 2014

OFFICE OF ELMER ROBERT KEACH, III

LEMIRE, JOHNSON & HIGGINS, LLC

By: 

Elmer Robert Keach, III
Bar Roll No.: 601537

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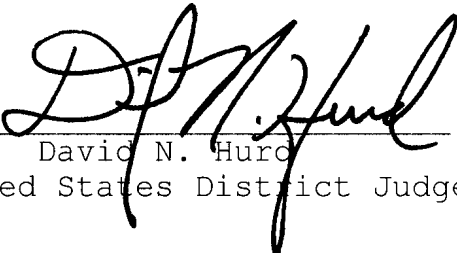
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SO ORDERED:

Dated:

October 28, 2014


David N. Hurd
United States District Judge